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Attorney for Defendants Jackie Biskupski and James Allred

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

RUSSELL G. GREER

Plaintiff,

vs.

GARY R. HERBERT, in his individual capacity as Governor of the State of Utah; SEAN D. REYES, in his official capacity as Attorney General of the State of Utah; SIM S. GILL, in his official capacity as District Attorney of the City and County of Salt Lake; JACKIE BISKUPSKI, in her official capacity as Mayor of the City of Salt Lake, BEN MCADAMS, in his official capacity as Mayor of the Count of Salt Lake, KATHY BERG, in her official capacity as Director of the Division of Commerce; JAMES ALLRED, in his official capacity as Business Licensing Manager for the City of Salt Lake; ROLEN YOSHINAGA, in his official capacity as Director of Planning and Development of the County of Salt Lake,

Defendants.

**CITY DEENDANTS'
SUPPLEMENTAL BRIEF RE:
FACIAL VS. AS-APPLIED
CONSTITUTIONAL
CHALLENGES AND JOINDER
IN STATE DEFENDANTS'
SUPPLEMENTAL BRIEF**

Case No. 2:16-cv-01067

Judge Dustin B. Pead

Defendants Jackie Biskupski and James Allred in their official capacity (collectively the “City Defendants”), by and through counsel of record, and pursuant to the Court’s Order of April 21, 2017 (Dkt. #34), submit the following Supplemental Brief re: Facial vs. As-Applied Constitutional Challenges.

The City Defendants moved to dismiss the claims on numerous grounds, including by adoption of the arguments advanced in the motions to dismiss filed by the State Defendants and the County Defendants concerning the constitutionality (state and federal) of Utah’s laws criminalizing prostitution. *See* City Defendants’ Motion to Dismiss and Memorandum in Support, Dkt #21. Accordingly, the City Defendants also adopt the arguments advanced in the supplemental brief filed by Defendants Governor Gary R. Herbert, Attorney General Sean D. Reyes, and Kathy Berg, Division Director of the Division of Corporations and Commercial Code (collectively, the “State Defendants”) (Dkt. #36). The City Defendants hereby join in the points and authorities advanced in the Supplemental Brief in support of the State Defendants’ motion. *See* DUCivR 7-1(a)(4) (permitting joinder in motions filed by other parties via filing of separate motion and adoption by reference); Fed. R. Civ. P. 10(c) (permitting adoption by reference). Based on these arguments, Plaintiffs’ complaint should be dismissed against the City Defendants as a matter of law.

DATED this 5th day of May, 2017.

/s/ Catherine L. Brabson
 CATHERINE L. BRABSON
*Attorney for Defendants Jackie Biskupski
 and James Allred*

CERTIFICATE OF SERVICE

I hereby certify that on 5th day of May, 2017, a true and correct copy of the **CITY DEFENDANTS' SUPPLEMENTAL BRIEF RE: FACIAL VS. AS-APPLIED CONSTITUTIONAL CHALLENGES AND JOINDER IN STATE DEFENDANTS' SUPPLEMENTAL BRIEF** was electronically filed with the Court using the CM/ECF system, which sent notice to the following:

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And was sent via email and first class mail, postage prepaid, to the following:

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/s/ Heidi Medrano